

FEB 21 2007

**CARR & FERRELL LLP**

**ATTORNEYS AT LAW**

2200 GENG ROAD • PALO ALTO, CALIFORNIA 94303  
TELEPHONE (650) 812-3400 • FACSIMILE (650) 812-3444

**FACSIMILE COVER SHEET**

**BEST AVAILABLE COPY**

**Company:** United States Patent & Trademark Office  
**Fax Number:** (571) 273-8300

**From:** Daniel C. Kloke  
**Phone Number:** (650) 812-3440  
**Fax Number:** (650) 812-3444

**RE: Our Ref:** PA3996US

**Date:** February 21, 2007

**Total pages:** 7 (includes cover sheet)

=====

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

=====

**MESSAGE:**

Please see attached.

{00154598v1}

FEB 21 2007

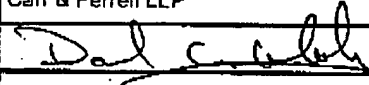
PTO/SB/21 (09-04)

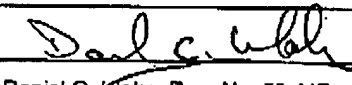
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/852,244	
	Filing Date	May 10, 2001	
	First Named Inventor	Gordon Good	
	Art Unit	2137	
	Examiner Name	Paul E. Callahan	
Total Number of Pages in This Submission	6	Attorney Docket Number	PA3996US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1) Statement Under 37 CFR 3.73(b) (PTO/SB/88)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2) Copy of Assignment (2 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3) Change of Correspondence Address (PTO/SB/122)
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Carr & Ferrell LLP	
Signature		
Printed name	Daniel C. Kioke	
Date	February 21, 2007	Reg. No. 58,417

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Daniel C. Kioke, Reg. No. 58,417	Date February 21, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

FEB 21 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gordon Good

TITLE: Security Policy Management for Network Devices

SERIAL NO.: 09/852,244

FILING DATE: May 10, 2001

EXAMINER: Paul E. Callahan

ART UNIT: 2137

ATTY.DKT.NO.: PA3996US

BEST AVAILABLE COPY

---

COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

## REVOCATION AND POWER OF ATTORNEY

I, the undersigned, Jordan Breslow, General Counsel of Opware Inc., the assignee of the entire right, title and interest in the above-referenced United States patent application, am authorized to act and sign on behalf of the assignee and hereby revoke all prior powers of attorney previously submitted in the above-referenced U.S. patent application and hereby appoint the agents and attorneys associated with Customer Number 22830 to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.


Please direct all communication relative to this patent application to the following correspondence address:

Customer Number 22830  
CARR & FERRELL LLP  
2200 Geng Road  
Palo Alto, CA 94303  
TEL: 650.812.3400  
FAX: 650.812.3444

Respectfully submitted,

Date:

2/20/07

  
Jordan Breslow, General Counsel  
Opware Inc.

PTO/SB/06 (12-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Gordon GoodApplication No./Patent No./Control No.: 09/852,244 Filed/Issue Date: May 10, 2001Entitled: Security Policy Management for Network DevicesOpsware Inc.

(Name of Assignee)

a corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

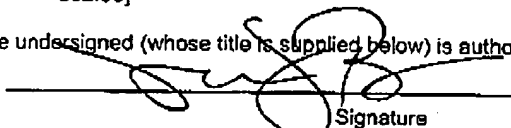
1. From: Gordon Good et al. To: LoudCloud, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 018819, Frame 0192, or for which a copy thereof is attached.
2. From: LoudCloud, Inc. To: Opsware Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature  
Jordan Breslow  
\_\_\_\_\_  
Printed or Typed Name  
\_\_\_\_\_  
General Counsel  
\_\_\_\_\_  
Title

2/20/07  
\_\_\_\_\_  
Date  
408-744-7300  
\_\_\_\_\_  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Delaware

PAGE 1

*The First State*

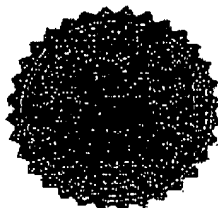
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "LOUDCLOUD, INC.", CHANGING ITS NAME FROM "LOUDCLOUD, INC." TO "OPSWARE INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF AUGUST, A.D. 2002, AT 5 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTEENTH DAY OF AUGUST, A.D. 2002.

**BEST AVAILABLE COPY**

3094394 8100

060301713



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State  
AUTHENTICATION: 4632535

DATE: 03-30-06

SENT BY: LOUDCLOUD INC.;

4087447384;

AUG-14-07 2:12PM;

PAGE 2/2

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 05:00 PM 08/14/2007  
020516079 - 3094394

## CERTIFICATE OF AMENDMENT

OF

THE AMENDED AND RESTATED CERTIFICATE OF  
INCORPORATION

OF

LOUDCLOUD, INC.

Pursuant to Section 242 of the General  
Corporation Law of the State of Delaware

BEST AVAILABLE COPY

\*\*\*\*\*

LOUDCLOUD, INC., a Delaware corporation (hereinafter called the "Corporation"), does hereby certify as follows:

**FIRST:** Article 1 of the Corporation's Amended and Restated Certificate of Incorporation is hereby amended to read in its entirety as set forth below:

The name of the Corporation is Opware, Inc.

**SECOND:** The foregoing amendment was duly adopted in accordance with Section 242 of the General Corporation Law of the State of Delaware.

**THIRD:** This Certificate of Amendment of the Amended and Restated Certificate of Incorporation of Loudcloud, Inc. shall be effective on August 16, 2002.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by the President and Chief Executive Officer of the Corporation on this 14<sup>th</sup> day of August, 2002.

Loudcloud, Inc.

By: 

Name: Benjamin A. Horowitz  
Title: President and Chief  
Executive Officer

(MT) 13241102/MTS/Cyris/Boys of Loudcloud.doc